

UNITED STATES OF AMERICA, and  
the STATE OF TENNESSEE, *ex rel.*  
JASON HERNDON, M.D.,  
  
Plaintiffs,  
  
v.  
  
NASHVILLE PAIN & WELLNESS CENTER,  
PLLC and MADHU S. YELAMELI, M.D.,  
  
Defendants.

Pursuant to the False Claims Act, 31 U.S.C. §§ 3729 et seq. (the “FCA”), the United States of America, together with the States of Tennessee, hereby provide notice of their consent to the dismissal of this action for the reasons set forth below. The United States and the State of Tennessee also move for an Order dismissing this action without prejudice to the United States and Tennessee and to unseal all filings herein, except those that discuss the content and extent of the United States’ and the State of Tennessee’s investigation, as set forth below.

In September 2017, the Attorney General, acting through the United States Department of Justice, Civil Division, delegated this *qui tam* action to the United States Attorney's Office for the Middle District of Tennessee to take whatever actions it deems advisable regarding the allegations of potential violations of the FCA, in accordance with Civil Division Directive No. 1-15 (June 1, 2015), 28 C.F.R. Part O. On December 16, 2022, the United States, Relator and Defendants entered into a settlement agreement with Defendants, pursuant to which the parties agreed to dismiss this action.

On December 21, 2022, Relator filed a Voluntary Dismissal, pursuant to Federal Rule of Civil Procedure 41(a), stating that the parties have agreed to a dismissal of this action with prejudice to Relator and without prejudice to the United States and Tennessee. (ECF No. 37.)

Therefore, the United States and the State of Tennessee move for an *ex parte* order unsealing all pleadings in the above-captioned action, except for their memoranda in support of the motions for an extension of time to consider whether to intervene and for a partial seal lift, which discuss the content and extent of the investigation of the United States and the State of Tennessee (ECF Nos. 5, 9, 12, 15, 18, 21, 24, 27, 30, and 35). These memoranda contain information provided by law to the Court alone for the purpose of evaluating whether the time for making a decision as to intervention should be extended and/or the seal should be lifted and should not be made public. Relator consents to the relief sought herein.

A proposed order accompanies this notice.

Respectfully submitted,

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MIDDLE DISTRICT OF TENNESSEE

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Counsel for the State of Tennessee

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2022, a copy of the foregoing *Ex Parte* Joint Notice was filed by e-mail with the Clerk's Office per instruction of the Court. A service copy was served via First Class U.S. Mail, postage prepaid, and/or via email on the following:

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Because this action is under seal pursuant to 31 U.S.C. §§ 3729-3733, as amended, Defendants have not been served with copies of the foregoing Motion.

s/ Kara F. Sweet  
KARA F. SWEET